

JS-44 (Rev 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

ROY CROSSEN

(b) County of Residence of First Listed Plaintiff Philadelphia, PA

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Christopher S. Froba, - Marc R. Gordon, P.C., 101 Greenwood Ave., Suite. 460, Jenkintown, PA 10946; (215)600-1244

DEFENDANTS

Midland Funding, LLC

County of Residence of First Listed Defendant San Diego, CA

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Lawrence J. Bartel, Esquire, 2000 Market Street, Suite 2300, Philadelphia, PA 19103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1. U.S. Government Plaintiff
- ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant
- ☐ 4. Diversity (Indicates Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place An "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen of Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits. <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 195 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing / Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. § 227, et seq. and 15 U.S.C. § 1692, et seq.

Brief description of cause:

Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ N/A

 CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☒ No
VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

March 18, 2016

SIGNATURE OF ATTORNEY OF RECORD

Lawrence J. Bartel

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Roy Crossen c/o Christopher Froba, Esq. - Law Offices of Marc C. Gordon, 101 Greenwood Ave., Suite 460, Jenkintown, PA 19046 | (215) 600-1244 Ext. 103

Address of Defendant: Midland Funding, LLC c/o Lawrence Bartel, Esq. - 2000 Market Street, Suite 2300, Philadelphia, PA 19103

Place of Accident, Incident or Transaction: Philadelphia County, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) Fair Debt Collection Practices Act

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Lawrence J. Bartel, counsel of record do hereby certify:
☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
☐ Relief other than monetary damages is sought.

DATE: March 17, 2016

Lawrence J. Bartel
Attorney-at-Law

94006

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: March 17, 2016

Lawrence J. Bartel
Attorney-at-Law

94006

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Roy Crossen

v.

Midland Funding, LLC

:
:
:
:
:

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

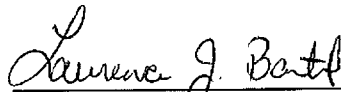
SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

March 17, 2016

Date

(215) 575-2780

Telephone**Attorney-at-law**

(215) 575-0856

FAX NumberDefendant,
Midland Funding, LLC**Attorney for**

LJBartel@mdwccg.com

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROY CROSSEN,

Plaintiff,

vs.

MIDLAND FUNDING, LLC,

Defendant.

Civil Action No.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331, Defendant, Midland Funding, LLC (hereinafter "MF"), by and through its counsel, Marshall Dennehey Warner Coleman & Goggin, P.C., hereby removes the action captioned as Roy Crossen v. Midland Funding, LLC, docket no. 160210602, as filed in the Court of Common Pleas for Philadelphia County, Pennsylvania ("the Action"), to the United States District Court for the Eastern District of Pennsylvania, based upon the following:

1. On or about February 10, 2016 Plaintiff filed the Action in the Court of Common Pleas for Philadelphia County, Pennsylvania. A true and correct copy of Plaintiff's Complaint in the Action is attached hereto as Exhibit "A."

2. MF first received notice of the Action on or about February 18, 2016, when it was served with Plaintiff's Complaint.

3. Based on the foregoing, MF has timely filed this Notice of Removal within thirty days of being served with the Complaint and within thirty days of the date that the Action was first removable. See 28 U.S.C. § 1446(b).

4. The Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by MF pursuant to the provisions of 28 U.S.C. § 1441(b), in that Plaintiff has alleged that MF violated the Fair Debt Collections Practices Act, 15 U.S.C. § 1692, et seq., thereby asserting claims that arise under federal law.

5. In that the causes of action alleged by the Plaintiff arise from the performance of obligations of the parties within Philadelphia County, Pennsylvania, the United States District Court for the Eastern District of Pennsylvania should be assigned the Action.

6. Pursuant to 28 U.S.C. § 1446(d), MF will file a copy of this Notice of Removal with the Clerk of the United States District Court for the Eastern District of Pennsylvania, will serve Plaintiff with copies of this Notice of Removal and will file the Notice of Removal in the Philadelphia County Court of Common Pleas.

WHEREFORE, Defendant, Midland Funding, LLC notifies this Court that this Action is removed from the Court of Common Pleas for Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania pursuant to the provisions of 28 U.S.C. §§1331, and 1446.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By: Laurence J. Bartel
Lawrence J. Bartel, ESQUIRE
2000 Market Street, Suite 2300
Philadelphia, PA 19103
(215) 575-2780 / (215) 575-0856 (f)
Ljbartel@mdwgcg.com
Attorneys for Defendant
Midland Funding, LLC

Dated: March 17, 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROY CROSSEN,

Plaintiff,

vs.

MIDLAND FUNDING, LLC,

Defendant.

Civil Action No.

CERTIFICATE OF SERVICE

I, Lawrence J. Bartel, Esquire, do hereby certify that a true and correct copy of Defendant, Midland Funding, LLC's Notice of Removal was served upon the below-listed counsel of record by regular mail on March 17, 2016.

Christopher S. Froba
Law Office of Marc R. Gordon, P.C.
101 Greenwood Avenue
Suite 460
Jenkintown, PA 19046

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By: Lawrence J. Bartel
Lawrence J. Bartel, ESQUIRE
Attorneys for Defendant
Midland Funding, LLC

Dated: March 17, 2016

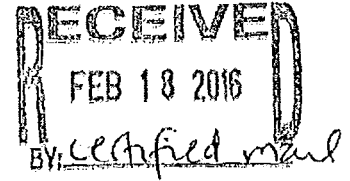
EXHIBIT "A"

Law Office of
MARC R. GORDON, P.C.
Attorneys at Law
101 Greenwood Avenue
Suite 460
Jenkintown, Pennsylvania 19046
Telephone: 215-600-1244 • Facsimile: 215-600-1245

Marc R. Gordon
Christopher S. Froba*

*Also Member NJ Bar

February 11, 2016



Midland Funding, LLC
8875 Aero Drive, Suite 200
San Diego, CA 92123

CERTIFIED MAIL
NO. 70121010000341110367

Re: Crossen v. Midland Funding, LLC

To Whom It May Concern:

Enclosed please find a true and correct copy of the Complaint, the original of which has been filed with the Court of Common Pleas, Philadelphia County, Pennsylvania. Kindly take whatever action is deemed appropriate to protect your company's interests.

Very truly yours,

LAW OFFICE OF MARC R. GORDON, P.C.

A handwritten signature in black ink, appearing to be "CSF", written over a horizontal line.

CHRISTOPHER S. FROBA

CSF/mmi
Enclosure

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
FEBRUARY 2016 E-Filing Number: 1602027597 001602	
PLAINTIFF'S NAME ROY CROSSEN	DEFENDANT'S NAME MIDLAND FUNDING, LLC
PLAINTIFF'S ADDRESS 3015 KNORR STREET PHILADELPHIA PA 19149	DEFENDANT'S ADDRESS 8875 AERO DRIVE SUITE 200 SAN DIEGO CA 92123
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1 COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input checked="" type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input checked="" type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:
CASE TYPE AND CODE 10 - CONTRACTS OTHER	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align: center;"> FILED PROPROTHY FEB 10 2016 K. EDWARDS </div>	
IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>ROY CROSSEN</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY CHRISTOPHER S. FROBA	ADDRESS 101 GREENWOOD AVENUE SUITE 460 JENKINTOWN PA 19046
PHONE NUMBER (215) 600-1244	FAX NUMBER (215) 600-1245
SUPREME COURT IDENTIFICATION NO. 93616	E-MAIL ADDRESS christopher.froba@gmail.com
SIGNATURE OF FILING ATTORNEY OR PARTY CHRISTOPHER FROBA	DATE SUBMITTED Wednesday, February 10, 2016, 04:30 pm

FINAL COPY (Approved by the Prothonotary Clerk)

USTED ESTA ORDENADO COMPARECER EN Arbitration Hearing 1880 JFK Blvd. 5th fl. at 09:15 AM - 11/07/2016

You must still comply with the notice below. USTED TODAVIA DEBE CUPLIR CON EL AVISO PARA DEFENDERSE.

This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties.

There is no right to trial by jury or a trial from a decision entered by a judge.

LAW OFFICE OF MARC R. GORDON, P.C. ARBITRATION MATTER

BY: CHRISTOPHER S. BORDA

I.D. NO. 93616

101 Greenwood Avenue, Suite 460

Jenkintown, PA 19046

(215) 600-1244, Ext. 103

christopher@mrgordonlaw.com

ATTORNEYS FOR PLAINTIFF

Filed and Attested by the
Office of Judicial Records
10 FEB 2016 04:30 pm
K. EDWARDS
JUDICIAL DISTRICT OF PHILADELPHIA

ROY CROSSEN

3015 Knorr Street

Philadelphia, PA 19149

COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY

FEBRUARY TERM, 2016

NO.

v.

MIDLAND FUNDING, LLC

8875 Aero Drive, Suite 200

San Diego, CA 92123

CIVIL ACTION - COMPLAINT
CONTRACTS - OTHER

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE**

One Reading Center
1101 Market Street
Philadelphia, Pennsylvania, 19107
Telephone: (215) 238-6333
TDD: (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas o de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo a partir de la fecha de la demanda y la notificación. Hacer falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**ASOCIACIÓN DE LICENCIADOS DE FILADELPHIA
SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL**
One Reading Center, 1101 Market Street, Philadelphia, Pennsylvania
19107, Teléfono: (215) 238-6333
TDD: (215) 451-6197

PRELIMINARY STATEMENT

1. This is an action for damages brought by a consumer against a debt collector pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. §1692* (hereinafter referred to as “FDCPA”)

2. The FDCPA prohibits debt collectors from engaging in deceptive and unfair practices in connection with the collection of consumer debt, including unauthorized contact and misrepresentation of the amount, character or legal status of a debt.

3. Under the FDCPA, Defendant MIDLAND FUNDING, LLC is subject to strict liability for suing Plaintiff in the Philadelphia Municipal Court, failing to produce any credible and/or competent evidence, and then failing to prosecute the claim. Additionally, Defendant MIDLAND FUNDING, LLC sued Plaintiff in the Philadelphia Municipal Court under the wrong name, i.e., Plaintiff’s legal name is Roy Crossen. Defendant MIDLAND FUNDING, LLC sued Plaintiff as being “Roy Chossen, Jr.” which is incorrect.

PARTIES

4. Plaintiff is an adult individual who resides at 3015 Knorr Street, Philadelphia, PA 19149. Additionally, he is a consumer who is protected by the FDCPA as defined by *15 U.S.C. §1692(a)(3)*.

5. Defendant MIDLAND FUNDING, LLC is a foreign limited liability company and is principally located at 8875 Aero Drive, Suite 200, San Diego, CA 92123. Additionally, Defendant MIDLAND FUNDING, LLC is a “debt collector” as defined by *15 U.S.C. § 1692a(6)*.

6. Defendant MIDLAND FUNDING, LLC acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers in all of its attempts to collect this alleged debt.

JURISDICTION

7. Defendant MIDLAND FUNDING, LLC conducts business and regularly attempts to collect debts in Philadelphia, Pennsylvania. Therefore, personal jurisdiction is established in the First Judicial District of Pennsylvania.

8. Additionally, venue is proper in Philadelphia County pursuant to Pennsylvania Rules of Civil Procedure 1006 and 2179.

9. Finally, jurisdiction of this Court arises pursuant to *15 U.S.C. § 1692k(d)*, which states that the within action may be brought and heard before “any appropriate United States District Court without regard to the amount in controversy, **or in any other court of competent jurisdiction**”.

FACTUAL ALLEGATIONS

10. On July 20, 2015, Defendant MIDLAND FUNDING, LLC filed a Statement of Claim against Plaintiff in the Philadelphia Municipal Court, SC-15-20-5166, for a total of \$2,649.73, an amount which included an alleged debt of \$2,514.73. This lawsuit involved an alleged default on a “WEBBANK” account.

11. Plaintiff retained counsel, contested the aforementioned claim, and had the matter continued for trial. In response, Defendant MIDLAND FUNDING, LLC withdrew its claim against Plaintiff on December 15, 2015 immediately prior to the scheduled date of trial which was December 18, 2015.

12. Plaintiff further alleges and avers that Defendant MIDLAND FUNDING, LLC failed to notify the relevant credit bureaus that the alleged debt was in dispute, in violation of *15 U.S.C. § 1692e*.

13. Plaintiff further alleges and avers that Defendant MIDLAND FUNDING, LLC

continues to make false reports to the credit reporting bureaus stating that Plaintiff's account is past due. Therefore, Defendant MIDLAND FUNDING, LLC has willfully misrepresented the amount, character and legal status of Plaintiff's alleged debt which is a violation of the FDCPA.

14. Plaintiff further alleges and avers that Defendant MIDLAND FUNDING, LLC failed to demonstrate the acquisition and accumulation of the alleged debt via comprehensive account statements from the alleged original creditor, and thereby misrepresented the nature and origin of the alleged debt, in violation of *15 U.S.C. §1692e*.

15. Plaintiff further alleges and avers that Defendant MIDLAND FUNDING, LLC's failure to prosecute the Philadelphia Municipal Court claim or otherwise seek reinstatement demonstrates that Defendant MIDLAND FUNDING, LLC used that lawsuit solely as a means to coerce a settlement, and, therefore, violated *15 U.S.C. § 1692e(5)*.

16. Plaintiff alleges and avers that Defendant MIDLAND FUNDING, LLC violated *15 U.S.C. §1692f* by failing to produce credible evidence that the account was assigned. Accordingly, Plaintiff alleges and avers that Defendant MIDLAND FUNDING, LLC had no legal or contractual right to file the aforementioned lawsuit in the Philadelphia Municipal Court or seek payment of this alleged debt from Plaintiff.

17. Plaintiff alleges and avers that Defendant MIDLAND FUNDING, LLC violated *15 U.S.C. §1692e*, and misrepresented the legal status of the alleged debt by arguing that it was an assignee and/or successor in interest to WEBBANK for any specific amount/account pertaining to a WEBBANK account held by Plaintiff because Defendant MIDLAND FUNDING, LLC failed to produce any competent evidence of a credit agreement.

18. Plaintiff alleges and avers that Defendant MIDLAND FUNDING, LLC misrepresented the nature and legal status of the alleged debt because Defendant MIDLAND

FUNDING LLC's lawsuit was filed against Plaintiff under the wrong name, i.e., Plaintiff's name is Roy Crossen not Roy Chossen, Jr, in violation of *15 U.S.C. §1692f*.

19. Plaintiff alleges and avers that Defendant MIDLAND FUNDING, LLC misrepresented the nature and legal status of the alleged debt because Defendant MIDLAND FUNDING, LLC's lawsuit to collect this alleged debt was time-barred by the four-year statute of limitations as imposed by *42 Pa.C.S. 5525(a)*, in violation of *15 U.S.C. §1692f*.

20. Plaintiff alleges and avers that Defendant MIDLAND FUNDING, LLC made or caused to be made, at irregular and inconvenient times, numerous, offensive telephone calls to Plaintiff attempting to collect the alleged debt, in violation of *15 U.S.C. §§1692c(a)(1) and d*.

21. Plaintiff alleges and avers that the unsworn Verification of Defendant MIDLAND FUNDING, LLC's employee, Danielle Smith, that was attached to the Philadelphia Municipal Court Statement of Claim misrepresents the legal nature and status of the alleged debt by referring to records which do not exist and were not produced by Defendant MIDLAND FUNDING, LLC in the Philadelphia Municipal Court, in violation of *15 U.S.C. §1692e*.

COUNT I

FAIR DEBT COLLECTION PRACTICES ACT

22. Paragraphs 1-21 are repeated as if set forth at length herein.

23. In its actions to collect a disputed debt, Defendant MIDLAND FUNDING, LLC violated the FDCPA in one or more of the following ways:

- a. Harassing, oppressing or abusing Plaintiff in connection with the collection of a debt in violation of *15 U.S.C. § 1692d*;
- b. using misrepresentations or deceptive means to collect a debt in violation of *15 U.S.C. § 1692e(10)*;

- c. using unfair or unconscionable means to collect a debt in violation of *15 U.S.C. § 1692f*;
- d. attempting to collect an amount not authorized by contract or law in violation of *15 U.S.C. § 1692f*; and,
- e. misrepresenting the amount, character and legal status of a debt in connection with the collection of a consumer debt allegedly due in violation of *15 U.S.C. § 1692e*.

WHEREFORE, Plaintiff prays that this Court enter a judgment for Plaintiff against Defendant MIDLAND FUNDING, LLC as follows:

- a. All actual compensatory damages suffered by Plaintiff pursuant to *15 U.S.C. § 1692k(a)(1)*;
- b. statutory damages of \$1,000.00 for each violation of the FDCPA pursuant to *15 U.S.C. § 1692k(a)(2)(A)*; and,
- c. all reasonable attorney's fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to *15 U.S.C. § 1693k(a)(3)*.

LAW OFFICE OF MARC R. GORDON, P.C.

BY: _____

CHRISTOPHER S. FROBA
Attorney for Plaintiff

02/10/16

VERIFICATION

CHRISTOPHER S. FROBA, hereby states that he is the attorney for Plaintiff in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

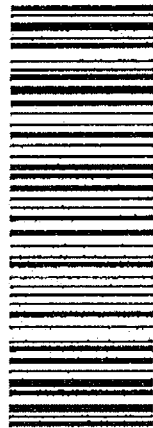


CHRISTOPHER S. FROBA

02/10/16

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